

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

JOHN WENINGER, on behalf of  
himself and all others similarly  
situated,

Plaintiffs,

v.

GENERAL MILLS OPERATIONS  
LLC,

Defendant.

Case No. 18-CV-321-JPS

**ORDER**

On January 30, 2019, the parties filed a joint motion for preliminary approval of their settlement agreement resolving Plaintiffs' Fair Labor Standards Act ("FLSA") claims against Defendant. (Docket #79). After reviewing the terms of the settlement agreement, (Docket #79-1), the Court finds that the parties' settlement constitutes "a fair and reasonable resolution of [] bona fide dispute[s]" under the FLSA, 29 U.S.C. § 201 *et seq.*; *Lynn Food Stores, Inc. v. United States*, 679 F.2d 1350, 1355 (11th Cir. 1982); *Walton v. United Consumers Club, Inc.*, 786 F.2d 303, 306 (7th Cir. 1986). As such, the Court will preliminarily approve the parties' settlement agreement and set a date for the fairness hearing. The Court adopts the parties' stipulation as to the certification of the collective action, naming John Weninger as class representative, and designating Walcheske & Luzi, LLC as class counsel. (Docket #82).<sup>1</sup> The parties indicate that class counsel

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<sup>1</sup>Parties had previously requested the Court modify its order authorizing protocols for notice and opt-in period. (Docket #63). In light of the settlement, that motion will be denied as moot.

will petition the Court for reimbursement of attorneys' fees and costs of no more than \$113,090.00 pursuant to the lodestar calculation method. (Docket #81 at 4).

Accordingly,

**IT IS ORDERED** that the parties' joint motion for preliminary approval of the settlement agreement (Docket #79) be and the same is hereby **GRANTED**;

**IT IS FURTHER ORDERED** that the parties' settlement agreement (Docket #79-1) be and the same is hereby preliminarily **APPROVED**;

**IT IS FURTHER ORDERED** that the parties' stipulation to certify the collective action for the purposes of settlement (Docket #82) be and the same is hereby **ADOPTED**;

**IT IS FURTHER ORDERED** that Plaintiffs' unopposed motion to modify the Court's notice protocol order (Docket #63) be and the same is hereby **DENIED as moot**;

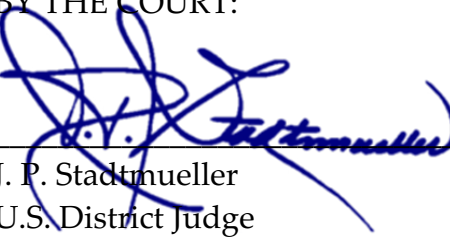
**IT IS FURTHER ORDERED** that class counsel file a petition with the Court for reimbursement of reasonable attorneys' fees, costs, and litigation expenses of no more than \$113,090.00 no later than twenty-one (21) calendar days prior to the fairness hearing;

**IT IS FURTHER ORDERED** that the class action fairness settlement hearing shall be held on Thursday, March 28, 2019 at 10:30 a.m. in Courtroom 425, 517 East Wisconsin Avenue, Milwaukee, Wisconsin, 53202; and

**IT IS FURTHER ORDERED** that all pending dates and deadlines of the amended trial scheduling order (Docket #37) be and the same are hereby **STAYED** until further order from the Court.

Dated at Milwaukee, Wisconsin, this 15th day of February, 2019.

BY THE COURT:



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J. P. Stadtmueller  
U.S. District Judge